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Docket No.: 041-1620I

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mitsuaki OSHIMA

Serial No. 10/611,926

Filed: January 11, 2005

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Group Art Unit: 2655

Examiner of Parent: A. NEYAZRI

For: MEDIUM, APPARATUS, AND METHOD RELATED TO ENCRYPTION
RESULTANT INFORMATION, as amended

**RESPONSE TO NOTICE REGARDING DRAWINGS with TRAVERSE and
REQUEST FOR RECONSIDERATION**

Mail Stop Issue Fee

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

1) New Drawings

In accordance with the requirement set forth in a Notice Regarding Drawings, dated November 17, 2004, and pursuant to an interview with Mr. Lam on December 20, 2004, applicant provides herewith appropriately labeled Replacement Sheets for drawing figures 160, 213, 220-222, 224, 225, 227, 228, 229, 231, 233, 240, 245-247, 249, 255-262, 265, 267, 269 and 274.

It is courteously submitted that, to the extent possible, the drawings comply with each of the requirements set forth in the Notice, including improved uniformity of thickness and definition of line quality, and enlarged character size. Moreover, the Japanese characters in Fig. 222(e) have been replaced by an English language legend. In that regard, applicant respectfully submits that support for the English language legend is found at line 24 of page 272 and lines 18-10 of page 274 in the specification as originally filed. The noted disclosures respectfully refer to "a stopper 514c" and to

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“a head elevation connecting device 514a”.

Approval and acceptance of the enclosed Replacement Sheets is thus in order.

2) Traverse

Applicant traverses the requirement as set forth in the Notice for the following reasons.

It is respectfully submitted that the wording of the Notice erroneously implies that a prior opportunity had been given to correct drawings and that such an opportunity was not met. More particularly, the statement that “Corrected drawings for the ... application, received on 11/10/2004 are *still* not acceptable for the reason(s) identified on the attached PTO-948” is *erroneous*.

The reasons identified in PTO-948 had *never* been previously identified, and the drawings submitted 11/10/2004 merely implemented changes previously proposed by applicant in Figs. 29, 84, 127, 147, 203, 238, 265, 271 and 274, and voluntarily corrected typographical errors and the like in Figs. 163, 240, 246, 247, 257, 258, 259, 260 and 261. Therefore, it is incorrect to state that said drawings are “*still*” not acceptable inasmuch as the PTO-948 dated 11/17/2004 is the *first* notification of any objections to any of the drawings.

As is apparent upon comparison of the list of drawing figures to which objection is raised in the Notice of November 17, 2004 to the lists of corrected drawing figures submitted November 10, 2004, only objected figures 240, 246-247, 258-261, 265 and 274 had been previously corrected. However, the Notice is the first reference to figures 160, 213, 220-222, 224, 225, 227, 228, 229, 231, 233, 245, 249, 255-257, 262, 267 and 269 in any paper of record in the application.

It is therefore respectfully submitted that, giving an applicant a single opportunity to correct the drawings without an opportunity to extend the time period therefor, subject to abandonment, based on an erroneous statement of facts set forth in the Notice of November 17, 2004, **denies applicant's right to due process** if such abandonment were to be implemented.

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For example, the Notice *inter alia* fails to provide applicant with the statutory time period for response to an action of the Patent and Trademark Office and, moreover, effectively provides a final action without having first provided a non-final first action as to the drawings.

It is noted, for example, that in the Notice of Allowability dated August 10, 2004, the Office stated that “The drawings filed 03 July 2003 are accepted by the Examiner.”

Indeed, it is submitted that as can best be determined, the same drawings had been previously accepted by the Patent and Trademark Office and issued in at least *five* parent applications, as follows:

PATENT NUMBER	5,473,584	5,699,331	5,959,948	6,243,330	6,674,703
APPLICATION SERIAL NO.	08/281,337	08/534,771	08/970,162	09/305,318	09/796,534

It is accordingly clear that applicant had no prior knowledge of, or notice of objections to, any objectionable features of the drawings. Subjecting applicant to a surprise final action without access to the full statutory period within which to respond and take corrective action is thus a denial of applicant’s right to due process.

Applicant thus traverses the requirements set forth in the Notice Regarding Drawings.

3. Request for Reconsideration

Based on the above, it is respectfully submitted that, subject to acceptance of the replacement drawings sheets submitted herewith, reconsideration is in order of the requirements of the Notice dated November 17, 2004, particularly with respect to providing applicant only a single opportunity to correct within a non-extendable two month time period. Such reconsideration is courteously solicited.

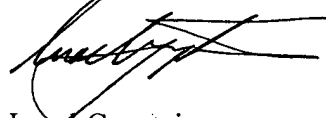
Nonetheless, upon acceptance of the drawing sheets submitted herewith, issuance of the

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patent is in order.

In view of the foregoing, the draftsman is courteously requested to accept the drawings submitted herewith as complying with the requirements of the Notice Regarding Drawings or, in the alternative, to reconsider the requirements as set forth in the Notice. The draftsman is further requested to contact undersigned attorney for applicant in the event that any further comments, questions or suggestions should arise in connection with the drawings.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Israel Gopstein", with a stylized flourish at the end.

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